

**§ 97.414 Responsibilities of designated representative and alternate designated representative.**

(a) Except as provided under § 97.418 concerning delegation of authority to make submissions, each submission under the TR NO<sub>x</sub> Annual Trading Program shall be made, signed, and certified by the designated representative or alternate designated representative for each TR NO<sub>x</sub> Annual source and TR NO<sub>x</sub> Annual unit for which the submission is made. Each such submission shall include the following certification statement by the designated representative or alternate designated representative: “I am authorized to make this submission on behalf of the owners and operators of the source or units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.”

(b) The Administrator will accept or act on a submission made for a TR NO<sub>x</sub> Annual source or a TR NO<sub>x</sub> Annual unit only if the submission has been made, signed, and certified in accordance with paragraph (a) of this section and § 97.418.

**§ 97.415 Changing designated representative and alternate designated representative; changes in owners and operators; changes in units at the source.**

(a) *Changing designated representative.* The designated representative may be changed at any time upon receipt by the Administrator of a superseding complete certificate of representation under § 97.416. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous designated representative before the time and date when the Ad-

ministrator receives the superseding certificate of representation shall be binding on the new designated representative and the owners and operators of the TR NO<sub>x</sub> Annual source and the TR NO<sub>x</sub> Annual units at the source.

(b) *Changing alternate designated representative.* The alternate designated representative may be changed at any time upon receipt by the Administrator of a superseding complete certificate of representation under § 97.416. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous alternate designated representative before the time and date when the Administrator receives the superseding certificate of representation shall be binding on the new alternate designated representative, the designated representative, and the owners and operators of the TR NO<sub>x</sub> Annual source and the TR NO<sub>x</sub> Annual units at the source.

(c) *Changes in owners and operators.* (1) In the event an owner or operator of a TR NO<sub>x</sub> Annual source or a TR NO<sub>x</sub> Annual unit at the source is not included in the list of owners and operators in the certificate of representation under § 97.416, such owner or operator shall be deemed to be subject to and bound by the certificate of representation, the representations, actions, inactions, and submissions of the designated representative and any alternate designated representative of the source or unit, and the decisions and orders of the Administrator, as if the owner or operator were included in such list.

(2) Within 30 days after any change in the owners and operators of a TR NO<sub>x</sub> Annual source or a TR NO<sub>x</sub> Annual unit at the source, including the addition or removal of an owner or operator, the designated representative or any alternate designated representative shall submit a revision to the certificate of representation under § 97.416 amending the list of owners and operators to reflect the change.

(d) *Changes in units at the source.* Within 30 days of any change in which units are located at a TR NO<sub>x</sub> Annual source (including the addition or removal of a unit), the designated representative or any alternate designated

representative shall submit a certificate of representation under § 97.416 amending the list of units to reflect the change.

(1) If the change is the addition of a unit that operated (other than for purposes of testing by the manufacturer before initial installation) before being located at the source, then the certificate of representation shall identify, in a format prescribed by the Administrator, the entity from whom the unit was purchased or otherwise obtained (including name, address, telephone number, and facsimile number (if any)), the date on which the unit was purchased or otherwise obtained, and the date on which the unit became located at the source.

(2) If the change is the removal of a unit, then the certificate of representation shall identify, in a format prescribed by the Administrator, the entity to which the unit was sold or that otherwise obtained the unit (including name, address, telephone number, and facsimile number (if any)), the date on which the unit was sold or otherwise obtained, and the date on which the unit became no longer located at the source.

**§ 97.416 Certificate of representation.**

(a) A complete certificate of representation for a designated representative or an alternate designated representative shall include the following elements in a format prescribed by the Administrator:

(1) Identification of the TR NO<sub>x</sub> Annual source, and each TR NO<sub>x</sub> Annual unit at the source, for which the certificate of representation is submitted, including source name, source category and NAICS code (or, in the absence of a NAICS code, an equivalent code), State, plant code, county, latitude and longitude, unit identification number and type, identification number and nameplate capacity (in MWe, rounded to the nearest tenth) of each generator served by each such unit, actual or projected date of commencement of commercial operation, and a statement of whether such source is located in Indian Country. If a projected date of commencement of commercial operation is provided, the actual date of commencement of commercial oper-

ation shall be provided when such information becomes available.

(2) The name, address, e-mail address (if any), telephone number, and facsimile transmission number (if any) of the designated representative and any alternate designated representative.

(3) A list of the owners and operators of the TR NO<sub>x</sub> Annual source and of each TR NO<sub>x</sub> Annual unit at the source.

(4) The following certification statements by the designated representative and any alternate designated representative—

(i) “I certify that I was selected as the designated representative or alternate designated representative, as applicable, by an agreement binding on the owners and operators of the source and each TR NO<sub>x</sub> Annual unit at the source.”

(ii) “I certify that I have all the necessary authority to carry out my duties and responsibilities under the TR NO<sub>x</sub> Annual Trading Program on behalf of the owners and operators of the source and of each TR NO<sub>x</sub> Annual unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions and by any decision or order issued to me by the Administrator regarding the source or unit.”

(iii) “Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, a TR NO<sub>x</sub> Annual unit, or where a utility or industrial customer purchases power from a TR NO<sub>x</sub> Annual unit under a life-of-the-unit, firm power contractual arrangement, I certify that: I have given a written notice of my selection as the ‘designated representative’ or ‘alternate designated representative’, as applicable, and of the agreement by which I was selected to each owner and operator of the source and of each TR NO<sub>x</sub> Annual unit at the source; and TR NO<sub>x</sub> Annual allowances and proceeds of transactions involving TR NO<sub>x</sub> Annual allowances will be deemed to be held or distributed in proportion to each holder’s legal, equitable, leasehold, or contractual reservation or entitlement, except that, if such multiple holders have expressly provided for a different